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RAMPURIA, SATISH

ART UNIT	PAPER NUMBER
2191	

DATE MAILED: 01/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Office Action Summary

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>20 October 2005</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-38* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-38* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some *   c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

Response to Amendment

1.   This action is in response to the amendment received on Oct. 20, 2005.

2.   The specification due to trademark is still stand rejected. Applicants are reminded to correct the informality.

3.   The rejections under 35 U.S.C. §112 first paragraph to claims 2 and 21 is withdrawn in view of applicant's amendment.

4.   The rejections under 35 U.S.C. §112 second paragraph to claims 4, 5, 8, 23, 24 and 27 is still stand rejected. Applicants are required to make the corrections.

5.   Claims cancelled by the Applicant: None.

6.   Claims amended by the Applicant: 2, 6, 9, 21, 25 and 28.

7.   Claims pending in the application: 1-38.

Response to Arguments

8.   Applicant's arguments with respect to claims have been considered but they are not persuasive.

In the remarks, the applicant has argued that:

(i)   Wang does not teach not anticipate the required "invoking of a first code statement processing unit of the first programming language to process the first code section" of claim1.

(ii)   Claim 4, Claussen simply does not suggest the use of a directive scripting language, XML or Java as one or more of the multiple scripting languages.

Examiner's response:

(i)   In response to Applicants argument, Wang discloses enabling multiple runtime

        processor executed by the computer. Each of the runtime processors process their

        respective intermediate sources derived from an original input source, i.e., Java or

        Visual Basic Script (See summary). In order to process multi language processor,

        Wang's system recognize different input source languages and invokes the respective

        processor according to the input source language (col. 2, lines 26-35). Further,

        Wang's system has a parser, which recognizes the input sources language, and sends

        to the appropriate translator (col. 3, lines 24-30 and FIG. 2). Thus, Wang does

        disclose the claimed limitations. Applicants make general allegations. Therefore, the

        rejection is proper and maintained herein.

(ii)   In response to Applicants argument, Claussen does disclose the claimed limitations

        and Examiner has shown why it would have been obvious to incorporate the

        references. The examiner recognizes that obviousness can only be established by

        combining or modifying the teachings of the prior art to produce the claimed

        invention where there is some teaching, suggestion, or motivation to do so found

        either in the references themselves or in the knowledge generally available to one of

        ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir.

        1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). Applicants

        make general allegations. Therefore, the rejection is proper and maintained herein.

9.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Specification

10.   The use of the trademark "Java" has been noted in this application (i.e., page 2). It

should be appropriate or proper term (see MPEP 608.01(v)) used, wherever it appears and be

accompanied by the generic terminology. Although the use of trademarks is permissible in patent

applications, the proprietary nature of the marks should be respected and every effort made to

prevent their use in any manner which might adversely affect their validity as trademarks.

Claim Rejections - 35 USC § 112

11.   The following is a quotation of the **second paragraph** of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
> subject matter which the applicant regards as his invention.

12.   Claims 4, 5, 8, 23, 24 and 27 are rejected under 35 U.S.C. 112, second paragraph, as

being indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

Claims 4, 5, 8, 23, 24 and 27 contain the trademark/trade name Java. Where a trademark or trade

name is used in a claim as a limitation to identify or describe a particular material or product, the

claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See Ex parte

Simpson, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or

trade name cannot be used properly to identify any particular material or product. A trademark

or trade name is used to identify a source of goods, and not the goods themselves. Thus, a

trademark or trade name does not identify or describe the goods associated with the trademark or

trade name.

The rejection of the base claim is necessarily incorporated into the dependent claims.

Claim Rejections - 35 USC § 102

13.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United
States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the
United States before the invention by the applicant for patent, except that an international application filed under the treaty
defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if
the international application designated the United States and was published under Article 21(2) of such treaty in the English
language.

14.   Claims 1, 2, 3, 6, 7, 20-22, 25, 26, 33, 36 and 38 are rejected under 35 U.S.C. 102(e) as

being anticipated by 6,292,936 to Wang (hereinafter, Wang).

Per claims 1 and 2:

Wang discloses:

- A method of computing comprising:

- reading a data processing representation having code sections with code statements of at

  least a first and a second programming language (col. 1, lines 44-46 "Each of the runtime

  processors processes their respective corresponding intermediate sources derived from an

  original input source in a synchronous manner");

- recognizing a first code section with at least code statements of a first programming

  language (col. 2, lines 56-59 "The server system 106 may further include one or more

  translators 114 that are executed to translate the original input source for the runtime

  processors 110 and 112");

- invoking a first code statement processing unit of the first programming language to

  process the first code section (col. 1, lines 44-46 "Each of the runtime processors

  processes their respective corresponding intermediate sources derived from an original

  input source in a synchronous manner");

- recognizing a second code section with at least code statements of a second programming

  language (col. 1, lines 46-48 "One or more of the respective corresponding intermediate

  sources includes a synchronizer token that provides synchronization among the runtime

  processors");

- invoking a second code statement processing unit of the second programming language to

  process the second code section (col. 1, lines 49-51 "Using the synchronizer token, an

  execution sequence of the original input source is maintained").

Per claim 3:

The rejection of claim 1 is incorporated, and further, Wang discloses:

- wherein said second code section is embedded within said first code section. The

limitations in the claims are similar to those in claim 1, and rejected under the same

rational set forth in connection with the rejection of claim 1.

Per claim 6:

The rejection of claim 1 is incorporated, and further, Wang discloses:

- recognizing a third code section with at least code statements of a third programming

language (col. 2, lines 56-59 "The server system 106 may further include one or more

translators 114 that are executed to translate the original input source for the runtime

processors 110 and 112");

- invoking a third code statement processing unit of the third programming language to

process the third code section (col. 1, lines 44-46 "Each of the runtime processors

processes their respective corresponding intermediate sources derived from an original

input source in a synchronous manner").

Per claim 7:

The rejection of claim 6 is incorporated, and further, Wang discloses:

- wherein said third code section is embedded within said second code section, and said

second code section is embedded within said first code section. The limitations in the

claims are similar to those in claim 6, and rejected under the same rational set forth in

connection with the rejection of claim 6.

Claims 20, 21, 22, 25 and 26 are the apparatus claim corresponding to method claims 1,$\overset{2}{\wedge}$3, 6 and

7 respectively, and rejected under the same rational set forth in connection with the rejection of

claims 1,$\overset{2}{\wedge}$3, 6 and 7 respectively, above, as noted above and Wang also discloses system, see

FIG. 1 and associated text.

Claims 33, 36 and 38 are the apparatus claim corresponding to method claim 1, and rejected

under the same rational set forth in connection with the rejection of claims 1, above, as noted

above and Wang also discloses system, see FIG. 1 and associated text.

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

16. Claims 4, 5, 8, 23, 24 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Wang in view of US Patent No. 6,732,330 to Claussen et al. (hereinafter, Claussen).

Per claim 4:

The rejection of claim 1 is incorporated, and further, Wang does not explicitly disclose wherein

said first language is a directive language, and said second language is a selected one of XML

and Java.

However, Claussen discloses in an analogous computer system wherein said first language is a directive language, and said second language is a selected one of XML and Java (col. 2-3, lines 66-67 and 1-2 "...supporting multiple languages is compiled in to an XML... and thereafter, into a Java™ servlet...").

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the method of wherein said first language is a directive language, and said second language is a selected one of XML and Java as taught by Claussen into the method of enabling multiple runtime processors in an embedded scripting system as taught by Wang. The modification would be obvious because of one of ordinary skill in the art would be motivated to use XML and Java to provide a technique for publishing Internet content that can fully leverage the manipulation as suggested by Claussen (col. 2, lines 23-55).

Per claim 5:

- wherein said first language is Java, and said second language is XML. The limitations in the claims are similar to those in claim 4, and rejected under the same rational set forth in connection with the rejection of claim 4.

Per claim 8:

- wherein said first language is a directive language, said second language is Java and said third language is XML. The limitations in the claims are similar to those in claim 4, and rejected under the same rational set forth in connection with the rejection of claim 4.

Claims 23, 24 and 27 are the apparatus claim corresponding to method claims 4, 5 and 8

respectively, and rejected under the same rational set forth in connection with the rejection of

claims 4, 5 and 8 respectively, above, as noted above and Wang also discloses system, see FIG. 1

and associated text.

17.   Claims 9-13, 28-32, 34, 34 and 37 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Wang in view of US Patent No. 5,428,792 to Conner et al. (hereinafter,

Conner).

Per claim 9:

The rejection of claim 1 is incorporated, and further, Wang discloses:

-   invoking the library function, and outputting the result of the invocation (col. 3, lines 40-

    42 "The remaining VisualBasic Script blocks in the original input source 116 are

    translated into notify method and wait method invocations").

Wang does not explicitly disclose wherein the method further comprises recognizing an

invocation of a library function within at least a selected one of said first and second code

sections

        However, Conner discloses in an analogous computer system wherein the method further

comprises recognizing an invocation of a library function within at least a selected one of said

first and second code sections (col. 7, lines 20-23 "class designer defines the class interface,

implements the class methods, and finally loads the resulting object code into a class library").

Therefore, it would have been obvious to a person of ordinary skill in the art at the time

the invention was made to incorporate the method of recognizing an invocation of a library

function within at least a selected one of said first and second code sections as taught by Conner

into the method of enabling multiple runtime processors in an embedded scripting system as

taught by Wang. The modification would be obvious because of one of ordinary skill in the art

would be motivated to use a library function to provide the reusability of the OOP functions

already exist as suggested by Conner (col. 1, lines 55-67).

Per claim 10:

The rejection of claim 1 is incorporated, and further, Wang does not explicitly disclose wherein

the library function is a selected one of an emit function for outputting execution results, a pop

function for returning an element, and a push function for backing up an insertion point.

However, Conner discloses in an analogous computer system wherein the library function

is a selected one of an emit function for outputting execution results, a pop function for returning

an element, and a push function for backing up an insertion point (col. 5, lines 1-12 "…class is a

definition of an object… <stack> is an example of a class… stack contains two data elements

(<stackArray> and <stackTop>), and supports three methods, <create()>, <push()>, and

<pop()>…").

The feature of library function is a selected one of an emit function for outputting

execution results, a pop function for returning an element, and a push function for backing up an

insertion point would be obvious for the reasons set forth in the rejection of claim 9.

Per claim 11:

The rejection of claim 1 is incorporated, and further, Wang does not explicitly disclose

wherein the method further comprises recognizing a header section of a selected one of the first

and the second programming; recognizing a directive statement within the header section,

enumerate one or more data packages; and importing the enumerated one or more data packages

for use within code sections with at least statements of the selected first and second

programming language.

However, Conner discloses in an analogous computer system wherein the method further

comprises recognizing a header section of a selected one of the first and the second programming

language (col. 9, lines 35-40 "...a valid C header file which contains macros necessary to invoke

public methods and access public data elements of the class... file... included in any client of the

class, and is created by the SOM compiler"); recognizing a directive statement within the header

section, enumerate one or more data packages (col. 25, lines 14-20 "section contains an include

statement that is a directive to the OIDL preprocessor telling the compiler where to find the class

interface definition for this class' parent class..."); and importing the enumerated one or more

data packages for use within code sections with at least statements of the selected first and

second programming language (col. 2, lines 19-21 "...bindings are input to the particular target

language compiler to generate object module...").

The feature of recognizing a header section... recognizing a directive statement... an d

importing the enumerated... would be obvious for the reasons set forth in the rejection of claim

9.

Per claim 12:

-   wherein the method further comprises recognizing a header section of a selected one of
    the first and the second programming language; recognizing a declare statement within
    the header section, enumerating one or more processing methods; and instantiating the
    enumerated one or more processing methods for use within code sections with at least
    statements of the selected first and second programming language. The limitations in the
    claims are similar to those in claim 11, and rejected under the same rational set forth in
    connection with the rejection of claim 11.

Per claim 13:

-   wherein the method further comprises recognizing a header section of a selected one of
    the first and the second programming language; recognizing a declare statement within
    the header section, enumerating one or more instance variables; and instantiating the
    enumerated one or more instance variables for use within code sections with at least
    statements of the selected first and second programming language. The limitations in the
    claims are similar to those in claim 11, and rejected under the same rational set forth in
    connection with the rejection of claim 11.

Claims 28-32 are the apparatus claim corresponding to method claims 9-13 respectively, and
rejected under the same rational set forth in connection with the rejection of claims 9-13
respectively, above, as noted above and Wang also discloses system, see FIG. 1 and associated
text.

Claims 34, 35 and 37 are the apparatus claim corresponding to method claim 13, and rejected

under the same rational set forth in connection with the rejection of claim 13, above, as noted

above and Wang also discloses system, see FIG. 1 and associated text.

Conclusion

18.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to **Satish S. Rampuria** whose telephone number is **(571) 272-3732**.

The examiner can normally be reached on **8:30 am to 5:00 pm** Monday to Friday except every

other Friday and federal holidays. Any inquiry of a general nature or relating to the status of this

application should be directed to the **TC 2100 Group receptionist: 571-272-2100**

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, **Wei Y. Zhen** can be reached on **(571) 272-3708**. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Satish S. Rampuria
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Art Unit 2191
1/17/2006   **WEI ZHEN**
                                        SUPERVISORY PATENT EXAMINER